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## U.S. Department of State

### Sudan Country Report on Human Rights Practices for 1997

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#### SUDAN

The 1989 military coup that overthrew Sudan's democratically elected government brought to power Lt. General Omar Hassan Al-Bashir and his National Salvation Revolution Command Council (RCC). Bashir and the RCC suspended the 1985 Constitution, abrogated press freedom, and disbanded all political parties and trade unions. In 1993 the RCC dissolved itself and appointed Bashir President. In March 1996 Bashir won highly structured national elections as President, while a National Assembly with 275 of 400 members popularly elected in a deeply flawed process replaced the transitional national assembly. The opposition boycotted the electoral process. Despite promulgation of national institutions and an interim constitution through constitutional decrees, the Government continues to restrict most civil liberties. Since 1989 real power has rested with the National Islamic Front (NIF), founded by Dr. Hassan Al-Turabi, who became speaker of the National Assembly in 1996. NIF members and supporters continue to hold key positions in the Government; security forces; judiciary; academic institutions; and the media. The supreme political institution, the National Convention, which sets national policy guidelines, is also under NIF control. The judiciary is subject to government influence.

The civil war, which has resulted in the death of more than 1.5 million Sudanese, continued into its 15th year. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), a body created by the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the insurgency. In April the South Sudan Independence Movement/Army (SSIM/A), which broke away from the SPLA, and several smaller southern factions concluded a peace agreement with the Government. These former insurgent elements then formed the United Democratic Salvation Front (UDSF). However, the SPLM, its armed wing, the SPLM/A, and most independent analysts have

regarded the April 21 Agreement as a tactical government effort to enlist southerners on its side. The SPLM/A and its northern allies in the National Democratic Alliance (NDA) carried out successful military offensives in areas along the borders with Ethiopia and Eritrea and in large parts of the south during the year. Neither side appears to have the ability to win the war militarily. There was some progress toward peace during the year. At a July meeting of the regional Intergovernmental Authority on Development (IGAD), President Bashir accepted the 1994 IGAD Declaration of Principles as "the basis for discussions and negotiations" for peace. The Government had rejected that document in 1994, while the SPLM/A had accepted it. Government and SPLM/A delegations met with the IGAD in September and participated in IGAD-mediated peace talks.

In addition to the regular police and the Sudan People's Armed Forces (SPAF), the Government maintains an external security organ, an internal security organ, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the public order police whose mission includes enforcing proper social behavior, including restrictions on alcohol and "immodest dress." In addition to the group of regular police forces, there is the Popular Police Force, which is made up of nominees from neighborhood popular committees for surveillance and services, and acts with police powers for political and social ends. Members of the security forces committed numerous serious human rights abuses.

Civil war, economic mismanagement, over 4 million internally displaced persons in a country of an estimated 27.5 million persons, and, to a lesser extent, the refugee influx from neighboring countries have devastated Sudan's mostly agricultural economy. Exports of gum arabic, livestock, and meat accounted for more than 50 percent of export earnings. Reforms aimed at privatizing state-run firms and stimulating private investment failed to revive a moribund economy saddled with massive military expenditures and a huge foreign debt of approximately \$16 billion. Per capita national income is estimated at \$900 per year.

The human rights situation remained extremely poor, and the Government committed serious human rights abuses. Citizens do not have the ability to change their government peacefully. Government forces were responsible for extrajudicial killings and disappearances. Government security forces regularly tortured, beat, harassed, arbitrarily arrested, and detained opponents or suspected opponents of the Government with impunity. Prison conditions are harsh, and the judiciary is largely subservient to the Government. The authorities do not ensure due process, and the military forces summarily tried and punished citizens. The Government still does not fully apply the laws of war to the southern insurgency and has taken few prisoners of war.

The Government continued to restrict freedom of privacy, assembly, association, religion, and movement. The Government eased restrictions on freedom of the press in May; however, all journalists continue to practice self-censorship. There are no independent human rights organizations. In the context of the Islamization and Arabization drive, pressure--including forced Islamization--on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of Shari'a (Islamic law) fueled support for the civil war throughout the country. Discrimination and violence against women and abuse of children continued. Discrimination against religious and ethnic minorities persisted, as did government restrictions on worker rights. Child labor is a problem. Slavery remains a problem. Government security forces were responsible for forced labor, slavery, and forced conscription of children.

On a less negative note, the Government continued cooperation with international human rights monitors. The U.N. Special Rapporteur on Sudan twice visited areas under the Government's control, although his first visit was aborted when he left the country after the Government stated that it could not ensure his security. The Government also invited the Working Group on Contemporary Forms of Slavery; it had not visited as of year's end.

Cooperation with U.N.-sponsored relief operations was mixed. Government forces periodically obstructed the flow of humanitarian assistance. Problems with relief flights in the south centered on the Government's denial of aircraft clearances to both the U.N. Operation Lifeline Sudan and the International Committee of the Red Cross (ICRC). The Government failed to resolve the problem of false accusations that it had made against the ICRC in November 1996 in which it alleged that the ICRC transported of arms and ammunition. As a result, the ICRC undertook only severely limited operations during the year.

Insurgent groups continued to commit numerous, serious abuses. The SPLM/A continued to violate citizens' rights, despite its claim to be implementing a 1994 decision to assert civil authority in areas that it controls, and in many cases, has controlled for many years. The SPLM/A was responsible for extrajudicial killings, beatings, arbitrary detention, forced conscription, and occasional arrests of foreign relief workers without charge. The SPLM/A again failed to follow through on its promise to investigate a 1995 massacre. SPLM/A leaders were guilty of, or complicit in, theft of property of nongovernmental organizations (NGO's) and U.N. agencies operating in the south. The ICRC reported in 1996 that the SPLA had begun to observe some basic laws of war; it takes prisoners on the battlefield and permits ICRC visits to them. However, the SPLA did not allow the ICRC to visit prisoners accused by the insurgent group of "treason" or other crimes.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

In their attacks on insurgent forces, government troops killed civilians (see Section 1.g.).

Insurgent forces committed political and other extrajudicial killings; however, details are generally unavailable. There are reliable reports that rebel forces that captured villages along the border with Ethiopia in January carried lists used to identify leading government figures whom they summarily killed.

Rebels also killed civilians during their attacks on government forces (see Section 1.g.).

#### **b. Disappearance**

There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of those suspected of supporting rebels in government-controlled zones of the south and the Nuba Mountains.

In June the Government's Advisory Council on Human Rights released the results of an independent judicial commission's investigations into the fate of some of the scores of persons arrested by government forces in Juba in 1992 who had disappeared. The commission's report lacked details, and its description of the "confessions" of five citizens was not credible. These confessions formed the basis for the execution of these persons after a trial by a military tribunal, which reportedly was conducted under the law with the approval of the Attorney General.

In 1996 the Government established a Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the 1995 U.N. General Assembly.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government's official and unofficial security forces continued to torture and beat suspected opponents. In March the U.N. Special Rapporteur on Torture described torture as a fairly extensive problem.

Torture victims included youth and student leaders and those deemed opponents of the Government. In March armed security personnel with handheld radios detained Ahlia University student, Magdi Abdelmoniem Hassan, chairman of the student union of the university. They took him to two locations where they severely beat him. Photographs show weals on his back and his medical report also indicated a ruptured ear drum. Senior political prisoners released in May after being held since January stated that fellow detainees who were youths and students and those allegedly affiliated with the rebels were beaten badly while in custody. In mid-September security forces arrested and beat Osman Zein Al-Abdin Issa, an independent student activist from Khartoum University. There were credible reports in September that security forces in Juba severely beat a Sudanese Protestant Christian clergyman. In December security forces beat approximately 50 women who attempted to deliver a petition to the U.N. office in Khartoum (see Section 2.a.). Security forces also beat defendants in the 1996 coup attempt (see Section 1.e.).

There were reports that security forces tortured persons in "ghost houses," places where security forces detain government opponents incommunicado under harsh conditions for an indeterminate time with no supervision by the courts or other independent authorities with power to release the detainees. The use of ghost houses increased in the first part of the year, then generally declined due to increased government control, which reduced the incidence of such abusive measures.

### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. Legal provisions under the 1992 and 1995 National Security Acts and Criminal Code effectively set a fairly simple process to detain anyone for 3 months. A presidential determination, supported by a magistrate, may serve to detain a person for an additional 3 months. Allegations continue that some individuals are detained indefinitely.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment. In theory, the Government provides legal counsel for indigent persons in such cases. However, reports continue that defendants do not always receive this right, and that counsel in some cases may only advise the defendant and may not address the court.

Authorities continued to detain political opponents of the Government during the year.

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In the wake of January attacks into Sudan from across the Ethiopian border north and south of the Blue Nile river, authorities arrested many persons. The Government released prominent political figures by the end of May, but still held a number of student leaders and those said to have been accused of contacts with the insurgents at year's end.

The Government does not use forced exile; however, some prominent political leaders fled into exile.

### e. Denial of Fair Public Trial

The judiciary is not independent and is largely subservient to the Government. The Chief Justice of the Supreme Court, formerly elected by sitting judges, is now appointed. As the senior judge in the judicial service, he also controls the judiciary.

The judicial system includes four types of courts: